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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-THIRD SESSION

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[3 March 1992]

Human rights and disability

1. "You must do the one thing that you cannot do." These words of Eleanor Roosevelt could easily be the clarion call of persons with disabilities. Over 500 million persons worldwide are disabled. Disability, according to United Nations document E/CN.4/Sub.2/1991/31, affects over 25 per cent of the world's population. People with disabilities still constitute the most marginalized, the poorest, the least well-served by existing customs or legislation. However, years of struggle yielded General Assembly resolution 37/52 of 3 December 1982 launching the World Programme of Action concerning Disabled Persons.

2. For Human Rights Advocates (HRA), the operative work is action. Much to the frustration of many, too often reports and subsequent resolutions are mired in excesses of workload or insufficiency of funds. When Special Rapporteur Leandro Despouy's report on human rights and disability, mandated by the Commission in 1984, was ready for presentation to the Sub-Commission in 1991, a member of Human Rights Advocates (herself multi-disabled since 1975) decided that special measures had to be taken to encourage prioritization of concrete action resulting from the Despouy report. It was felt essential to demonstrate that although the disabled are amongst the most marginalized, "disability thrusts itself into every culture, race, age group and other social delineation" (E/CN.4/Sub.2/1991/42). Effective expert interventions were clearly needed to show that when human rights are exercised by, for, and with the disabled the core of human rights itself is strengthened and enriched.

3. Thus 25 guest NGO experts were gathered for the Sub-Commission in August 1991. The range of their interventions clearly showed the depth and breadth of the relationship of human rights and disability to nearly all issues of human rights. Interventions included: the right to education, equal opportunity for employment, the rights of children, psychological implications of labelling and language usage, accessible housing, drug and alcohol abuses as causes of disability, attitudinal barriers (prejudice) right to independent living, implications of military expenditure, relationship to economic development, free access to media, environmental relationship to human rights and disability, human rights abuses as causes of disability, indigenous peoples' rights, sexuality, abuses of the law, law as the abuser, inappropriate institutionalization, consequences of civil strife/war, invisible disabilities, women's rights, influence of the arts and cultural participation, poverty ...

4. This February/March 1992, after several impressive government interventions about the Despouy report, a further 20 disability experts gathered by the HRA representative through the kindness of several NGOs spoke to the Commission concerning the importance of the Despouy report and its recommendations for action. HRA feels that it is appropriate to cite some of these comments. The representative of the Netherlands, speaking of the August 1991 session of the Sub-Commission, said "one undertaking was crowned with success: the report on disability by Mr. Despouy". The representative of Brazil "read with great interest" the report of the Sub-Commission on its forty-third session (E/CN.4/1992/2), citing in particular the Despouy report and saying that his country "continued to believe that the expert advice ... from the Sub-Commission [was] an important element to ensure that our deliberations [were] well-founded and result-orientated".
Mr. J. Kenneth Blackwell, head of the delegation of the United States of America, citing in particular "laws to protect the disabled", prefaced his statement by saying "So long as there are people anywhere who are not treated with the respect and dignity that all of us expect and want, it should be the task, indeed the obligation, of this body to act." Human Rights Advocates applauds this clear call to action. HRA and its guest experts were further encouraged by the United Kingdom's "support of the draft recommendations to the Economic and Social Council that this (Despouy's) report be disseminated widely", further expressing the "hope that Governments, non-governmental organizations and expert bodies will consult further on the Rapporteur's

recommendations". Canada, which originally initiated the mandate for the Special Rapporteur on human rights and disability opened their remarks as follows: "It is with enthusiasm that we have reviewed the report and its recommendations." Their enthusiasm and deep commitment converted into important action when they agreed to lead the multi-sponsored draft resolution (E/CN.4/1992/L.75) in which they took account, in a sensitive manner, of the interventions of the many NGO experts.

5. The representative of Pax Christi Internationalis addressed the issue of stereotyping - a huge attitudinal barrier to human rights - citing "ongoing global injustice" that could begin to be healed by the implementation of the Despouy report's recommendations and urging the Commission "to see the urgency and need for further action based on the report".

6. The representative of the International Fellowship of Reconciliation, a woman pastor who is disabled, joined with the other experts in asking that the Despouy report "be implemented with urgency".

7. The representative of the World International League for Peace and Freedom, host NGO to the special expert who is Executive Director of the Mayor's Office for the Disabled of the City of Los Angeles, which has over 600,000 disabled persons living within its boundaries, spoke eloquently about the challenges of a multiculturally diverse disabled population: 92 different languages are spoken in that city. The expert concluded by saying:

> "We live in a world where we not only experience environmental pollution ... but we also live with polluted and outdated ideas and myths; all of these factors negatively impact the disabled person's right to equal access to life. When these barriers are legislatively removed, only then can we assure that all persons have been empowered with the human right to dignity and respect that is inherent in the mandates of international policies and law. I join my colleagues in strongly recommending the approval of the resolution concerning the report on human rights and disability and enforcement thereof."

8. The representative of the host NGO World Federation for Mental Health, an expert from the World Institute on Disability, focused on persons with cognitive disabilities and persons with psychiatric disabilities. The first "usually have no legal appeal to their forced incarceration or forced labour since they are labelled incompetent", the second point out the "stigma created by labels". He also demonstrated the urgency of access through examples in Mexico City where an excellent employment opportunities programme was rendered useless by a non-accessible transportation system, and shared the sadness of a Costa Rican mother whose child with a disability could not go on to secondary school simply because it was not accessible. (This is a situation that Costa Rica and other countries are trying to correct.) He spoke strongly of a "fundamental aspect ... the right of a person to choose, direct and manage services (concerning him/her), rather than have them provided by institutions, which restricts the ability of disabled persons to structure their lives as they best see fit". The expert finished by saying that "the passage of these recommendations (Despouy report) will guarantee for all of us that our human rights will remain intact throughout our lives".

9. The International Association of Educators for World Peace hosted the publisher/editor of National Focus, a newspaper in the United States of America that tracks all legislation and issues important to persons with disabilities. This expert, who is deaf, while congratulating the United Nations "positive direction towards the equality, protection of rights and full participation of disabled persons", underlined that "this will occur only through strong legislation, a mechanism of enforcement, education and public information" and strongly urged "the Commission to accept and adopt the report on human rights and disability with the same urgency and priority placed on the appointment of the Special Rapporteur, his investigation, report and recommendations".

10. The representative of Host NGO World Association for World Federation spoke of examples of disabled homeless, "people whose disabilities have forced them into homelessness. Their homelessness aggravates their disabilities ... a vicious cycle that feeds upon itself". The expert stressed another aspect of life "which disabled people meet when they wish to participate actively in a full and harmonious life". Citing an integrated sporting event he had promoted, he discovered that the "limitation" placed on his participants "came not from physical impediments but from ... society". He urged "the Commission to forward the report on human rights and disability to the Economic and Social Council with the strongest recommendations for its urgent implementation".

11. Human Rights Advocates joins with colleagues of years past and present calling for the adoption of the draft resolution on human rights and disability (E/CN.4/1992/L.75). HRA joins the voices of hundreds of thousands of disability rights advocates worldwide, saying that together we can and we must implement the recommendations of the Despouy report with great speed. The quality of life on this Planet will be essentially affected by whatever action we take.